

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 14-mc-0033 JCH

**TWENTY-NINE PRE-COLUMBIAN AND
COLONIAL ARTIFACTS FROM PERU,**

Defendant.

ORDER

THIS MATTER is before me on Plaintiff's Motion to Compel Production of Documents [Doc. 1], filed on July 9, 2014. The presiding judge, the Honorable Judith C. Herrera, United States District Judge, referred the matter to me on August 11, 2014. [Doc. 12].

This case originates from the Southern District of Florida, case number 13-cv-21697-JAL. [Doc. 1] at 1; [Doc. 8]. As part of the underlying Florida case, Plaintiff issued a subpoena for the production of documents and a deposition from non-parties David Walker and Walker Textile Conservation (collectively, "Walker") on April 2, 2014. [Doc. 1-1] at 1-5. On June 20, 2014, Walker objected to the subpoena. [Doc. 1-2] at 1-6. After the parties were unable to resolve the objections, the instant Motion to Compel was filed in this Court. *See* [Doc. 1] at 1-2. Walker responded to the Motion on July 23, 2014, [Doc. 6], and Plaintiff replied on August 5, 2014, [Doc. 9]. Counsel for Plaintiff and Walker have requested a hearing on the Motion [Doc. 11] at 2. Counsel have also jointly moved for leave to permit out-of-state counsel to

appear by telephone, if a hearing is scheduled. [Doc. 10]. I will grant both requests and set a telephonic hearing on the Motion to Compel [Doc. 1] for August 22, 2014, at 10:30 a.m. MDT.

Finally, on August 8, 2014, Walker moved to strike portions of Plaintiff's reply as unsupported by affidavit and as including impermissible new factual allegations. [Doc. 11]. Walker explained that, in the event the Court ruled on the Motion to Compel without a hearing, he requested that certain portions of the reply be struck. *Id.* However, if the Court set a hearing, he indicated that he would be satisfied to address the new arguments at the hearing. *Id.* Because I will hold a hearing on the Motion to Compel, I will deny Walker's Motion to Strike [Doc. 11] as moot.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECRRD that a telephonic hearing on Plaintiff's Motion to Compel the Production of Documents [Doc. 1] is set for **August 22, 2014, at 10:30 a.m. MDT.** To participate, all counsel intending to appear shall call my teleconference line at **(215) 446-3656**, using code **4382538**.

IT IS FURTHER ORDERED that the Joint Motion by Counsel . . . to Appear by Telephone [Doc. 10] is **GRANTED**.

IT IS FURTHER ORDERED that Non-Parties David Walker and Walker Textile Conservation's Motion to Strike Unsupported and New Allegations in the Government's Reply [Doc. 11] is **DENIED as moot**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge